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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,018	08/19/1999	FRED S. COOK	1235	8623

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EXAMINER

BASHORE, ALAIN L

ART UNIT PAPER NUMBER

3624

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/378,018

Applicant(s)

COOK, FRED S.

Examiner

Alain L. Bashore

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-40, 43-50 and 53-57 is/are pending in the application.
- 4a) Of the above claim(s) 29-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-40, 43-50, 53-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 38, 43-46, 48, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al in view of Dickerman et al.

Voit et al discloses receiving a plurality of communications service events (col 4, lines 60-67; col 5, lines 1-17). A determination that a service event is complete is made (col 6, lines 47-49) and if the event is complete, the actual cost is determined and formatting a first post request for the actual cost to charge the customer for the event (col 6, lines 47-55). A plurality of service events and associated costs are accumulated and a second forced post request for credit/surcharge is determined and made (col 6, lines 55-59).

Art Unit: 3624

Voit et al does not disclose:

charging the first and second forced post requests over a financial bank card network;

determining actual costs of the service event, to include tariffing and taxing the communications service event;

converting communication service events in a protocol native to devices in the communications system;

converting communication service events into a bank card format;

Dickerman et al discloses converting the event format (e.g., from UDP/IP to X.25 protocol; e.g., column 7, line 10 et seq), and transferring the formatted events to a financial bank card network (e.g., column 2, line 65 et seq; column 7, line 37 et seq). A communication system protocol and bank card format (e.g., column 2, line 65 et seq) are also disclosed.

It would have been obvious to one with ordinary skill in the art to modify the method to Voit et al to include charging the first and second forced post requests over a financial bank card network because Dickerman et al teaches that telecommunications network services are billed to a customer (col 1, lines 25-35) and customers may pay by credit cards (col 1, lines 60-65).

It would have been obvious to one with ordinary skill in the art to modify the method to Voit et al to include converting communication service events in a protocol native to devices in the communications system because Dickerman et al teaches that financial processors require gateway access for functionality purposes (col 7, lines 8-11).

It would have been obvious to one with ordinary skill in the art to modify the method to Voit et al to include converting communication service events into a bank card format because Dickerman et al teaches format usage for card transactions (col 3, lines 50-61).

3. Claims 39-40, 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al in view of Dickerman et al as applied to claims 38, 43-46, 48, and 53-56 above, and further in view of Block et al.

Voit et al in view of Dickerman et al does not explicitly disclose actual costs of the service event to include tariffing and taxing the communications service event.

Block et al discloses actual costs of the service event, to include tariffing and taxing the communications service event (col 6, lines 26-44).

It would have been obvious to one with ordinary skill in the art to modify the method to Voit et al to include determining actual costs of the service event, to include tariffing and taxing the communications service event because Block et al teaches the importance of accurate telecommunications billing (cil 1, lines 9-67; col 2, lines 1-61).

4. Claims 47 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al in view of Dickerman et al as applied to claims 38-46 and 48-56 above, and further in view of the Admitted Prior Art (pages 8, lines 8-11).

Dickerman et al disclose a method for providing an interface between financial and communication networks/systems, including conversion to a bank card format (e.g., column 3, line 41 et seq; column 7, line 23 et seq).

To the extent that Dickerman et al do not disclose inherently a particular bank card format, the Admitted Prior Art discloses that Visa I, Visa II, ASPDH, and SET are well-known formats used in the bank card processing industry.

It would have been obvious to one with ordinary skill in the art to include converting communications service event data into Visa I, Visa II, ASPDH, or SET formats because it provides an improved interface and gateway for conversion of communications event data into well-known bank card processing formats for use in a

financial processing network (e.g., Dickerman et al, column 2, line 7 et seq; column 2, line 30 et seq; column 2, line 65 et seq).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Linchan discloses pre-authorization and Nabkel et al discloses hold requests.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3624

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. This application contains claims 29-37 drawn to an invention nonelected with traverse in Paper No. 8. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Alain L. Bashore